IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :538 of 2007

DATED: 05.01.2007

Between:

A.D.Ravi Kumar. **...**
petitioner

And

Andhra Pradesh State Road Transport
Corporation, Musheerabad, Hyderabad
Rep by its Vice Chairman & Managing Director.
...I**Respondents.**

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.538 of 2007

ORAL ORDER:

This writ petition is filed seeking to declare the proceedings No.P1/686(2)2005.UKD dated 28-4-2006 retiring the petitioner from service on medical ground without alternate employment as per Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 as illegal and arbitrary.

The petitioner was a Driver in the respondent Corporation. He was issued charge sheet cum suspension order dt.12-7-2004 alleging rash and negligent driving due to which accident took place and subsequently was removed from service vide order dated 08-11-2004. Thereafter, he states that he preferred an appeal on 26-11-2004 to the Divisional Manager, APSRTC, Hindupur and the appellate authority modified the order of the Depot Manager and reinstated the petitioner into service. Petitioner after joining and while discharging his duties was sent for medical examination wherein the Doctors found the petitioner unfit for A-1 driver due to loss of vision in the right eye vide medical certificate dated10-1-2006. Basing on the medical certificate the 3rd respondent issued proceedings dated 29.4.2006 retiring the petitioner from

services of the Corporation.

It is the grievance of the petitioner that he has filed review before the 1st respondent/Managing Director, APSRTC, Musheerabad, Hyderabad on 13-6-2006 requesting to provide alternate employment in the post of Shramik/Cleaner in terms of Section 47 of Act 1 of 1995 as he was declared unfit for the post of driver due to loss of vision in the right eye, but the same was not considered by the respondents till date.

Heard the learned counsel for the petitioner as also the learned counsel for the respondent-A.P.S.R.T.C.

Having regard to the fact that the review dated 13-6-2006 filed by the petitioner before the 1st respondent/Managing Director, APSRTC, Musheerabad, Hyderabad requesting to provide alternate employment is pending, both the counsel agreed to dispose of the writ petition with the direction as under:

The 1st respondent/Managing Director, APSRTC, Musheerabad, Hyderabad, is directed to consider and pass appropriate orders on the review petition dated 13-6-2006 filed by the petitioner, expeditiously, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of with the above direction. No costs.

(N.V.RAMANA,J)

DATE: 05-01-2007
Grk/